

**MINUTES
REGULAR BOARD MEETING
Friday, September 12, 2014
209 South Green Street
Glasgow, KY**

PRESENT: Mark Woodward, D.C., President
Frank Hideg, D.C., Vice President
Terri Byers-Abston, D.C., Secretary
Rodney Casada, D.C., Member
Michael Seibert, D.C., Member
Karalee P. Oldenkamp, D.C., Executive Director
M. Keith Poynter, Board General Counsel

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:00 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0 to approve the minutes of the June 6, 2014 board meeting.

ITEM II: FINANCIAL REPORTS

After review of the prepared financial reports for June, July and August 2014, upon motion made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0, the financial reports were approved as presented.

ITEM III: BOARD OFFICE REPORT

The Board reviewed the Board Office Report and a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to approve all costs incurred by sending Dr. Hideg to represent the KBCE at the FCLB District II meeting in October 2014. A second motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0 to approve the Board Office report.

ITEM IV: ADMINISTRATIVE CASE 12-016

A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 4-0 to dismiss this case without prejudice. Dr. Hideg abstained.

ITEM V: ADMINISTRATIVE CASE 12-029

The outcome of the criminal case was reviewed by the Board. A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to dismiss the case.

ITEM VI: ADMINISTRATIVE CASE 12-031

This case was reviewed and a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 4-0 to dismiss the case without prejudice. Dr. Hideg abstained.

ITEM VII: ADMINISTRATIVE CASE 12-032

Justice John Graves was present to discuss the case with the Board. No action was taken.

ITEM VIII: ADMINISTRATIVE CASE 12-038

Justice John Graves was present to discuss the case with the Board. No action was taken.

ITEM IX: ADMINISTRATIVE CASES 13-001, -005, -017, 12A-008

Settlement terms were discussed. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 4-0 to have Counsel offer terms decided upon which if accepted would allow for settlement and closure of this case. Dr. Hideg abstained.

ITEM X: ADMINISTRATIVE CASE 13-009

This case was discussed and a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to authorize Counsel to offer settlement terms, and combine this case with 13A-006 and 14-014, which if accepted would allow for settlement and closure of these cases. Dr. Casada abstained.

ITEM XI: ADMINISTRATIVE CASE 13-013

This case is closed as settled.

ITEM XII: ADMINISTRATIVE CASE 13-024

Upon review of the case, a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to file an Administrative Complaint and Notice of Hearing.

ITEM XIII: ADMINISTRATIVE CASE 13-026

The Board reviewed this case and a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XIV: ADMINISTRATIVE CASE 13-028

The Board reviewed this case and a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to reject the settlement offer and file an Administrative Complaint and Notice of Hearing.

ITEM XV: ADMINISTRATIVE CASE 14-004

The Board reviewed this case and a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to reject the counter offer and file an Administrative Complaint and Notice of Hearing.

ITEM XVI: ADMINISTRATIVE CASE 14-006

Settlement terms were discussed. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 4-0 to have Counsel offer settlement terms decided upon which if accepted would allow for settlement and closure of this case. Dr. Casada abstained.

ITEM XVII: VIOLATION OF AGREED ORDER
ADMINISTRATIVE CASE 11-009

This case is continued.

ITEM XVIII: VIOLATION OF AGREED ORDER
ADMINISTRATIVE CASE 14-021

An Administrative Complaint has been filed. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to authorize Counsel to contact the licensee and offer to close the case without need for a hearing if they will serve their suspension. Otherwise, the hearing will proceed.

ITEM XIX: VIOLATION OF AGREED ORDER
ADMINISTRATIVE CASE 14-023

An Administrative Complaint has been filed. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to authorize Counsel to contact the licensee and offer to close the case without need for a hearing if they will serve their suspension. Otherwise, the hearing will proceed.

ITEM XX: ADVERTISING CASE 13A-006

This case was discussed and a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to authorize Counsel to offer settlement terms, and combine this case with 13-009 and 14-014, which if accepted would allow for settlement and closure of these cases. Dr. Casada abstained.

ITEM XXI: ADVERTISING CASE 14A-002

The Board reviewed information concerning this case and a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to dismiss the charge against one licensee while moving forward with settlement by Agreed Order with the other two licensees. Once all signed Agreed Orders are received, this case will be closed.

ITEM XXII: ADMINISTRATIVE CASE 14-001 SECOND APPEAL

The Board reviewed information concerning this case and a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to send letters to both the complainant and the licensee stating that no action is being taken.

ITEM XXIII: ADMINISTRATIVE CASE 14-008

The Board reviewed this case and a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXIV: ADMINISTRATIVE CASE 14-011

No action was taken at this time.

ITEM XXV: ADMINISTRATIVE CASE 14-012

The Board reviewed this case and a motion was made by Dr. Hideg, seconded by Dr. Casada and passed 5-0 to dismiss this case.

ITEM XXVI: ADMINISTRATIVE CASE 14-013

The Board reviewed this case and a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to send a letter to the licensee that he may be in violation of KRS 312.150 (2) (d) and that he should refrain from misquoting policy, however this case shall be dismissed.

ITEM XXVII: ADMINISTRATIVE CASE 14-014

The Board reviewed the complaint and the licensee's response. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to send a cease and desist regarding use of the PScD title.

ITEM XXVIII: MOTION TO AMEND AGENDA

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to amend the agenda to hear Kurt Adams, D.C. The Board considered this information from Kurt Adams, D.C. regarding concerns over uniformity in peer review. No action was taken at this time. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to resume the agenda.

ITEM XXIX: ADMINISTRATIVE CASE 14-015

The Board reviewed the complaint and the licensee's response. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to dismiss the case.

ITEM XXX: ADMINISTRATIVE CASE 14-016

The Board reviewed the complaint and the licensee's response. A motion was made by Dr. Hideg, seconded by Dr. Casada and passed 5-0 to offer an Agreed Order with a cease and desist from having patients pay for services not yet rendered and if accepted dismiss the case.

ITEM XXXI: ADMINISTRATIVE CASE 14-017

No Board action was necessary at this time.

ITEM XXXII: ADMINISTRATIVE CASE 14-018

The Board reviewed the information from the Department of Revenue and the licensee's response. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to revoke the license pursuant to KRS 131.1817(5)(D) and inform the licensee that it may be reissued once the Board office receives a letter of good standing from the Department of Revenue.

ITEM XXXIII: ADMINISTRATIVE CASE 14-019

The Board reviewed the complaint and the licensee's response. A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to offer an agreed order at the settlement terms discussed to settle this case.

ITEM XXXIV: ADMINISTRATIVE CASE 14-020

This case is continued pending further investigation.

ITEM XXXV: ADMINISTRATIVE CASE 14-025

The Board reviewed the complaint and the licensee's response. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss the case.

ITEM XXXVI: LICENSE ACTIVATION
RE: D. KIJINSKI, D.C.

The Board reviewed the activation application and a motion was made by Dr. Woodward, seconded by Dr. Casada and passed 5-0 to activate Dr. Kijinski's license.

ITEM XXXVII: ADVERTISEMENTS TO REVIEW

The Board reviewed advertisements concerning use of the Pastoral Science Degree through the Pastoral Medical Association. Upon consideration of these credentials and the advertisements, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to send cease and desist letters to those licensees currently advertising with the PScD credentials. A second motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 5-0 to have the Board office send a notice to all licensees concerning recent issues which have been addressed by the Board to put all licensees on notice of the position of the Board.

ITEM XXXVIII: CONSIDER INFORMATION FROM M. NEMASTIL, D.C.

The Board reviewed information from Michael Nemastil, D.C. A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to initiate a complaint against J. Cole, D.C. and send a letter

to Dr. Cole requesting a response within 20 days to be reviewed at the next meeting.

*At this time in the meeting, Dr. Abston had to leave.

ITEM XXXIX: CONSIDER INFORMATION FROM ERIKSEN CHIROPRACTIC
The Board reviewed correspondence from Eriksen Chiropractic legal counsel, Shem Beard. A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 4-0 to authorize General Counsel to respond to the letter addressing their concerns.

ITEM XL: PEER REVIEW COMMITTEE CONSIDERATIONS
Upon review of length of terms of current Peer Review Committee members, a motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 4-0 to thank Dr. Steven Smith for his ten plus years of service on the PRC, and honor him with a plaque, for a term ending October 31, 2014. A second motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0 to appoint Amanda Howell, D.C. to the open position on the PRC effective November 1, 2014.

ITEM XLI: FIELD COORDINATOR REPORT
Dr. Hideg reported that he continues field visits, many of which include answering questions about facility naming and signage.

ITEM XLII: CONSIDER LICENSE SUSPENSION
RE: JAMES COURSEY, D.C.
This case is pending receipt of outcome in the criminal case.

ITEM XLIII: LICENSE REINSTATEMENT
RE: ADAM BROOKS, D.C.
The Board reviewed the activation application and a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 4-0 to reinstate Dr. Brooks' license.

ITEM XLIV: INITIAL LICENSE APPLICATION
RE: A. NIEBUHR, D.C.
The Board reviewed the initial application for licensure of Ashlee Niebuhr, D.C. and a motion was made by Dr. Seibert, seconded by Dr. Woodward and passed 4-0 to grant Dr. Niebuhr's license.

ITEM XLV: CONSIDER CORRESPONDENCE
RE: OUT-OF-STATE RADIOLOGY REVIEW
Upon review of the correspondence concerning out-of-state radiology review performed in Florida, a motion was made by Dr. Woodward, seconded by Dr. Casada and passed 4-0 to have the Board staff reply that the Board sees no issue with this and they may want to contact the Florida Chiropractic Board since it concerns a Florida-licensed chiropractor.

ITEM XLVI: CONSIDER INFORMATION FROM J. STINSON, D.C.
Upon review of information concerning a peer review performed by Dr. M. Hillyer, D.C., a motion was made by Dr. Casada, seconded by Dr. Hideg and passed 4-0 to give this a complaint number and review the complaint and Dr. Hillyer's response at the next board meeting.

ITEM XLVII: SET BOARD MEETING DATES

The Board set a future board meeting for Friday, January 23, 2015, and a Kentucky Jurisprudence Course date for January 24, 2015.

ITEM XLVIII: TRAVEL AND PER DIEM

A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 4-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XLIX: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Seibert, seconded by Dr. Hideg and passed 4-0, the meeting was adjourned.

Respectfully submitted:

Karalee P. Oldenkamp, D.C.
Executive Director

ATTESTED:

Mark Woodward, D.C.
President